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Felony Sentences in State Courts, 1986

In 1986 State courts in the United States convicted an estimated 583,000 persons of felonies and sentenced about 46% of that number to State prison. These estimates, from the National Judicial Reporting Program (NJRP) of the Bureau of Justice Statistics (BJS), are the results of the first nationally representative survey of sentencing in State felony courts ever conducted. The survey provides data for two populations: the entire United States and the Nation's 75 most populous counties.

Highlights of the findings include:

• Nationwide in 1986 an estimated 110,000 persons were convicted of a violent felony, 103,000 of burglary, and 76,000 of drug trafficking. Together these crimes accounted for an estimated 289,000 persons convicted of felonies--50% of the total in 1986.

• An estimated 42% of felony convictions in State courts occurred within the Nation's 75 largest counties. These counties have 37% of the Nation's population but about half of its reported crime.

• Throughout the Nation, State courts sentenced an estimated 46% of convicted felons to State prison, 21% to local jails (usually for a year or less), 31% to straight probation, and 2% to other nonincarceration sentences.

• In the 75 largest counties State courts sentenced 41% of convicted felons to State prison, 30% to local jails, 27% to straight probation, and 2% to other nonincarceration sentences.

February 1989

This report, based on the new National Judicial Reporting Program of the Bureau of Justice Statistics, presents the first nationally representative data on felony sentencing in State courts throughout the Nation. Drawing upon data collected from 100 counties for 1986, it addresses such previously unanswered questions as:

--How many persons are convicted of felonies in a single year in the United States?

--What percent of those convicted of felonies are violent offenders?

--What is the average length of probation sentences, jail sentences, and prison sentences?

--What percent of convicted drug traffickers receive a prison sentence in State courts?

As this series expands in the coming years, it will be possible to provide both greater detail and more precise estimates. In addition BJS will be able to examine changes over time in the use and duration of confinement and community sentences.

BJS gratefully acknowledges the many State courts and prosecutors that participated in the National Judicial Reporting Program. Their cooperation and assistance made this report possible.

Joseph M. Bessette
Acting Director

• Nationwide, 37% of those convicted of drug trafficking in State courts were sentenced to prison, 27% to local jails, and 35% to straight probation.

• An estimated 2% of those convicted of murder or nonnegligent manslaughter in the Nation were sentenced to death.

• Nationwide the average (or mean) incarceration sentence was 4 years and 10 months; the median sentence length (middle value) was 3 years. Sentences to State prison had an average length of 6 years and 9 months and a median length of 5 years. Sentences to local jail had an average length of 9 months and a median length of 6 months.

• Probation sentences averaged 3 years and 10 months in the Nation and 3 years and 5 months in the 75 largest counties.

• Based upon sentence reductions for good behavior (good-time credits) and parole, it is estimated that those felons sentenced to prison in 1986 throughout the United States will serve an average of 2 years and 9 months before release. For murder and nonnegligent manslaughter the estimated time to serve for those sentenced to prison is 7 years and 2 months; for rape, 5 years and 6 months; for robbery, 4 years and 9 months; for burglary, 2 years and 7 months; and for drug trafficking, 1 year and 10 months.

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This report, the first from the NJRP, begins to close a gap in American criminal justice statistics. Until now no nationally representative data have been available describing the number of persons convicted of felonies in State courts and the sentences they receive. By contrast, national data on criminal offenses, arrests, and correctional populations have existed for many years.

For its initial phase in 1986 the NJRP recorded information on felony convictions in a sample of 100 counties, where 115 State courts heard felony cases. (Note that a single State court may include many individual judges and courtrooms.) By design, the sample included a large fraction of the 75 largest counties, which comprise about 37% of the U.S. population but account for about half of the Nation's reported crime.

The survey excluded Federal courts and those State or local courts that did not try felony cases. A separate reporting program already exists for Federal courts. In Federal courts 31,537 felony convictions (about 5% of all felony convictions in 1986) occurred for violations of Federal criminal statutes.[1] Thus, State courts account for 95% of all felony convictions in the United States.

The survey included only offenses that State penal codes defined as felonies. Felony offenses are widely defined as crimes that have the potential of being punished by more than 1 year in prison. States usually designate specific courts to try felony offenses, although in some counties more than one court may handle such cases.

[1]Computed from Appendix table 1, Drug law violators, 1980-86: Federal offenses and offenders, BJS Special Report, NCJ-111763, June 1988.

Table 1. Estimated number of felony convictions in State courts, 1986

Most serious conviction offense	Felony convictions in: United States Number	United States Percent	75 largest counties Number	75 largest counties Percent
All	582,784	100%	245,204	100%
Murder[a]	9,854	1.7	4,635	1.9
Rape	19,685	3.4	7,014	2.9
Robbery	42,305	7.3	23,660	9.6
Aggravated assault	38,245	6.6	15,146	6.2
Burglary	102,683	17.6	37,623	15.3
Larceny[b]	91,092	15.6	38,210	15.6
Drug trafficking	76,437	13.1	40,116	16.4
Other felonies	202,463	34.7	78,800	32.1

Note: The first 6 offenses are UCR Index crimes and are listed in order of decreasing seriousness. Any person convicted of multiple offenses that included any of the Index crimes received the offense designation of the most serious Index crime. Persons received the offense designation for drug trafficking only if they were not also convicted of one of the Index crimes.
[a]Includes nonnegligent manslaughter.
[b]Includes motor vehicle theft.

The NJRP evolved from two previous studies of State court sentencing conducted under BJS sponsorship: Felony sentencing in 18 local jurisdictions (NCJ-97681), covering 1983, and Sentencing outcomes in 28 felony courts 1985 (NCJ-105743). Both studies focused on sentencing in selected medium-to-large urban jurisdictions.

The current program differs from the earlier studies in two important respects:

- It includes all felonies, not just the seven offenses of murder, rape, robbery, aggravated assault, burglary, larceny/motor vehicle theft, and drug trafficking.
- It is based on a nationally representative sample of all State felony courts.

NJRP is distinct from two other BJS programs that collect court data: the Prosecution of Felony Arrests program, which tracks felony case processing in selected cities, and the Offender-Based Transaction Statistics (OBTS) program, which follows the disposition of felony arrests, currently in 11 States. Neither of these programs provides nationally representative data.

Because of the size and nature of the sample, the data reported here on the 75 largest counties are likely to be a more accurate estimate of the true total than the data on the Nation as a whole. In the next phase of the program data collection will be expanded to 300 counties to improve the accuracy of national estimates.

Felony conviction offenses

Nationwide an estimated 583,000 persons were convicted of a felony offense in State courts in 1986 (table 1). Of these, 110,000 were convicted of a violent felony (19%), 103,000 of burglary (18%), and 76,000 of drug trafficking (13%). Altogether, the violent crimes plus burglary and drug trafficking accounted for an estimated 289,000 of those convicted of felonies in 1986—50% of the total. Felony convictions for larceny (including motor vehicle theft) constituted around 16% of all those convicted of felonies.[2]

[2]Most larcenies are classified as misdemeanors rather than as the more serious felonies.

Table 2. Types of felony sentences imposed by State courts, 1986

Most serious conviction offense	United States Total	Percent of felons sentenced to: Incarceration Total	Incarceration Prison	Incarceration Jail	Nonincarceration Total	Nonincarceration Probation	Nonincarceration Other	75 largest counties Total	Percent of felons sentenced to: Incarceration Total	Incarceration Prison	Incarceration Jail	Nonincarceration Total	Nonincarceration Probation	Nonincarceration Other
All	100%	67%	46%	21%	33%	31%	2%	100%	71%	41%	30%	29%	27%	2%
Murder[a]	100	95	92	3	5	4	1	100	95	91	4	5	4	1
Rape	100	88	75	13	12	10	2	100	86	68	18	14	13	1
Robbery	100	87	76	11	13	12	1	100	87	71	16	13	12	1
Aggravated assault	100	71	45	26	29	26	3	100	74	43	31	26	23	3
Burglary	100	74	53	21	26	24	2	100	75	50	25	25	23	2
Larceny[b]	100	64	40	24	36	34	2	100	65	36	29	35	33	2
Drug trafficking	100	64	37	27	36	35	1	100	75	35	40	25	23	2
Other felonies	100	58	36	22	42	39	3	100	60	27	33	40	36	4

Note: See note on table 1. For persons receiving a combination of sentences, the sentence designation came from the most serious penalty imposed—prison being the most serious, followed by jail, then probation. Sentence designation "other" includes unknown sentences—3,039 weighted cases for the Nation and 465 for the 75 largest counties.
[a]Includes nonnegligent manslaughter.
[b]Includes motor vehicle theft.

Additional data obtained from a subset of sampled counties indicate the following breakdown for the estimated 35% of convictions that were not for one of the seven specific offenses:

Drug possession	10%
Forgery or fraud	5
Weapon possession	3
Receiving stolen property	3
Driving while intoxicated or other traffic	2
Sex offenses (not rape)	1
Escaping custody	1
Other felonies	10

In the 75 largest counties an estimated 245,000 persons were convicted of a felony offense in State courts in 1986--42% of the national total. About a fourth of those convicted of felonies in the largest counties were convicted of robbery or burglary. Altogether, 68% of those convicted of felonies were found guilty of one of the seven specific offenses. Based on a subset of sampled counties, the breakdown for the remaining 32% is estimated as follows:

Drug possession	9%
Forgery or fraud	4
Weapon possession	3
Receiving stolen property	3
Driving while intoxicated or other traffic	2
Sex offenses (not rape)	1
Escaping custody	1
Other felonies	9

Sentences for felonies

Nationwide in 1986 about 67% of all convicted felons were sentenced to a State prison or local jail (table 2).

Some facts about the 75 largest counties

The 1986 population in each of the 75 most populous counties in the United States exceeded 587,000 residents. Although they contain 37% of the Nation's population, these 75 counties account for nearly half of the crimes reported to police in the U.S. (including nearly three quarters of the robberies reported to police), more than half of all arrests of drug traffickers, and nearly half of all murder convictions in State courts.

Offense	Percent of U.S. total, 1986: Reported crime	Adult arrests	Felony convictions
All	48%	44%	42%
Murder[a]	55	51	47
Rape	48	45	36
Robbery	72	64	58
Aggravated assault	51	45	40
Burglary	48	43	37
Larceny[b]	47	43	42
Drug trafficking	---	56	53
Other felonies	---	44	39

...Data not available.
[a]Includes nonnegligent manslaughter.
[b]Includes motor vehicle theft.
Source: Crime in the U.S.--1986 (FBI, 1987) or machine-readable data for that publication provided data for percents of crimes reported to police and of adult arrests.

Arrests, convictions, and prison sentences for felonies

Using data from the FBI Uniform Crime Reports (UCR) on offenses and arrests, it is possible to compare for 1986 the number of crimes reported to police for offenses likely to be felonies, the number of arrests made for these crimes, and the number of felony convictions.

The numbers are aggregates and should not be interpreted as accounting for the disposition of individual cases, because an offender may be convicted for a crime in a later year than when the crime was reported or the arrest was made. The comparisons, however, do illustrate the approximate odds of a conviction and a prison sentence given an arrest for a felony.

In the Nation in 1986 for every 100 adults arrested for murder or nonnegligent manslaughter, 56 adults were convicted of such crimes, and 52 were sentenced to prison for them. For every 100 adults arrested for robbery, 38 were convicted and 29 were sentenced to prison; for aggravated assault, 13 convicted and 6 sentenced to prison; for burglary, 36 convicted and 19 sentenced to prison; and for drug trafficking, 41 convicted and 15 sentenced to prison. The numbers tend to be slightly lower for the 75 largest counties.

Number of reported crimes, felony arrests, felony convictions, and sentences to incarceration, 1986

Most serious conviction offense	Uniform Crime Reports: Number of crimes reported to police	Number of adult arrests	Number of felony convictions	Number of felony sentences: Incarceration	Prison
United States					
Murder*	20,610	17,463	9,854	9,394	9,118
Robbery	542,780	112,286	42,305	36,803	32,188
Aggravated assault	834,320	306,040	38,245	27,141	17,348
Burglary	3,241,400	288,384	102,683	75,559	54,246
Drug trafficking	---	185,423	76,437	48,851	28,151
75 largest counties					
Murder*	11,245	8,982	4,835	4,397	4,195
Robbery	391,027	71,457	23,660	20,594	16,742
Aggravated assault	421,608	136,372	15,148	11,185	6,480
Burglary	1,488,679	122,278	37,833	28,075	15,708
Drug trafficking	---	104,383	40,116	29,962	14,030

Note: The offenses selected have the greatest comparability across reporting series. In the data on convictions and sentences, the *offense* designation came from the most serious offense. Sentence length data exclude 670 weighted cases with unknown prison sentences for the Nation and 236 weighted cases for the 75 largest counties.
...Data not available.
*Includes nonnegligent manslaughter.
Source: Crime in the U.S.--1986 (FBI, 1987) or machine-readable data for that publication provided data for percents of crimes reported to police and of adult arrests.

Number of felony convictions and sentences to incarceration, for every 100 felony arrests

Most serious conviction offense	For 100 arrests: Number of felony convictions	Number of felony sentences: Incarceration	Prison
United States			
Murder*	56	54	52
Robbery	38	33	29
Aggravated assault	13	9	6
Burglary	36	28	19
Drug trafficking	41	26	15
75 largest counties			
Murder*	52	49	47
Robbery	33	29	23
Aggravated assault	11	8	5
Burglary	31	23	15
Drug trafficking	38	29	13

*Includes nonnegligent manslaughter.
Source: Data in companion table.

About 46% of the adults convicted of a felony were sentenced to prison, which is usually reserved for offenders with a sentence longer than 1 year. An estimated 21% of all convicted felons were sentenced to local jails.

An estimated 31% of all adults convicted of a felony in 1986 were sentenced to probation with no jail or prison time to serve. Depending on the nature of the sentence, if a felon placed on probation later fails to meet the requirements of probation, the court might then impose a sentence to incarceration.

About 2% of the Nation's adults convicted of felonies received other types of sentences that included fines, restitution, treatment, and community service.

In the 75 largest counties 41% of convicted felons were sentenced to State prison, and 30% were sentenced to jail, bringing to 71% the number sentenced to some type of incarceration. About 27% were placed on straight probation, and 2% were given some other sentence.

Table 3. Sentence lengths for felony sentences imposed by State courts, 1986

Most serious conviction offense	United States: Maximum sentence length for felons sentenced to: Incarceration Total	Prison	Jail	Probation	75 largest counties: Maximum sentence length for felons sentenced to: Incarceration Total	Prison	Jail	Probation
Mean sentence								
All	58 mos.	81 mos.	9 mos.	46 mos.	47 mos.	75 mos.	8 mos.	41 mos.
Murder[a]	213	221	20	81	210	222	17	56
Rape	129	151	11	54	132	164	10	58
Robbery	124	139	10	49	91	109	10	52
Aggravated assault	66	97	10	57	51	80	10	41
Burglary	57	75	10	54	43	60	10	45
Larceny[b]	31	46	7	42	26	40	7	41
Drug trafficking[c]	42	69	9	53	33	62	7	42
Other felonies	38	56	8	41	26	50	7	38
Median sentence								
All	36 mos.	60 mos.	6 mos.	36 mos.	24 mos.	48 mos.	6 mos.	36 mos.
Murder[a]	240	240	12	60	240	240	12	60
Rape	96	120	10	36	72	96	7	60
Robbery	84	108	9	36	60	66	9	60
Aggravated assault	36	60	6	36	24	48	6	36
Burglary	36	60	6	36	24	48	7	36
Larceny[b]	24	36	5	36	16	30	6	36
Drug trafficking	24	60	6	36	12	48	6	36
Other felonies	24	36	4	36	12	36	5	36

Note: See note on table 1. For persons receiving a combination of sentences, the sentence designation came from the most serious penalty imposed--prison being the most serious, followed by jail, then probation. Sentence length data exclude 670 weighted cases with unknown prison sentences for the Nation and 236 weighted cases for the 75 largest counties. Means exclude sentences to death or to life in prison.

[a]Includes nonnegligent manslaughter.

[b]Includes motor vehicle theft.

[c]Prison means are based on cases where both total sentence and sentence for most serious offense were known.

Sentence length

An offender convicted of multiple offenses receives a sentence for each offense. In such a case the court determines whether the convicted felon will serve the sentences concurrently (at the same time) or consecutively (one after another). To describe sentence lengths, a set of rules was adopted to handle the different possibilities. For persons with consecutive sentences the total time is the sum of the sentence lengths, and for persons with concurrent sentences the total time is the same as the longest sentence. For persons convicted of a single offense the phrase "total time" refers simply to the sentence for that offense. Whenever an offender received a sentence range, such as 5-10 years, the maximum sentence was chosen.

Two ways of calculating averages are used to describe sentence length: means and medians. Means are sensitive to a few very long or very short sentences in a distribution and do not include in their calculation sentences to life in prison or to death. Median sentence length, the middle value in a range of sentences, is not influenced by extreme values and includes sentences to life in prison or to death. Median sentence lengths are nearly always shorter than the corresponding means. An exception is prison sentences for murder, where the median is longer than the mean because the median includes those persons sentenced to life in prison or to death.

For the Nation in 1986 the mean felony sentence to a period of incarceration (in prison or jail) was almost 5 years; the median was 3 years (table 3). Except for murder and nonnegligent manslaughter, the mean sentences to incarceration were longer than the medians for each offense. The median incarceration sentence was 20 years for murder and nonnegligent manslaughter, 8 years for rape, 7 years for robbery, 3 years for aggravated assault and for burglary, and 2 years for larceny and motor vehicle theft, drug trafficking, and other felonies.

In the 75 largest counties the mean length of sentence to incarceration for all felonies was almost 4 years; the median was 2 years. The median incarceration sentence was 20 years for murder and nonnegligent manslaughter, 6 years for rape, and 5 years for robbery. The median was 2 years or less for all other felonies, including 1 year for drug trafficking.

Prison sentences

Nationally, the mean length of sentences to State prison was nearly 7 years; the median term was 5 years. The mean prison sentence for murder and nonnegligent manslaughter was about 18 years; the median was about 2 years longer. As already noted, sentences to life in prison or to death are removed for calculation of the means but are included in the medians.

In 1986 an estimated 26% of all persons convicted of murder or nonnegligent manslaughter throughout the Nation were sentenced to life in prison or to death--approximately 24% to life and about 2% to death.[3] Life sentences as a percent of all sentences in 1986 are as follows:

	Sentenced to life
All offenses	.8%
Murder	24.3
Rape	5.3
Robbery	1.7
Aggravated assault	.1
Burglary	—
Larceny	—
Drug trafficking	.4
Other felonies	.2

— Less than .1%.

For the Nation as a whole the estimated median sentence length for those sentenced to prison was 10 years for rape and 9 years for robbery. The median prison sentence was 5 years for three offenses: aggravated assault, burglary, and drug trafficking.

[3]In 1986 one person entered prison under sentence of death for an offense other than murder. The offense, as reported in Capital punishment, 1986, BJS Bulletin, NCJ-106483, September 1987, was capital rape of a child.

In the 75 largest counties the mean length of State prison sentences was just over 6 years; the median was 4 years. The mean prison sentence for murder and nonnegligent manslaughter was about 18 years; the median, including the sentences to life in prison and to death, was almost 2 years longer.

Sentences to life in prison or to death for murder or nonnegligent manslaughter affect the calculation of the average sentences for the 75 largest counties as they do for the national estimates. About 25% of all persons convicted of murder or nonnegligent manslaughter were sentenced to life in prison or to death--23% to life and 2% to death. Life sentences as a percent of all sentences in the 75 largest counties are as follows:

	Sentenced to life
All offenses	.8%
Murder	22.9
Rape	1.4
Robbery	1.1
Aggravated assault	.3
Burglary	.1
Larceny	—
Drug trafficking	.7
Other felonies	.3

— Less than .1%.

The median prison sentence in the 75 largest counties was 8 years for rape and 5 1/2 years for robbery. The median prison sentence was 4 years for three offenses: aggravated assault, burglary, and drug trafficking. The median prison sentence was 3 years for "other felonies" and 2 1/2 years for felony larceny and motor vehicle theft.

Jail sentences

Among felons nationwide who received a sentence to local jail but no additional sentence to State prison, the mean sentence was 9 months, and the median was 6 months. For every offense category except murder and nonnegligent manslaughter, both the mean and the median jail sentences were less than a year.

For the 75 largest counties the mean length of sentence to jail for a felony was 8 months; the median was 6 months. For every felony conviction except murder and nonnegligent manslaughter, both the mean and the median jail sentences were less than a year.

Probation sentences

In 1986 offenders convicted of felonies in the Nation and sentenced to probation but not to incarceration received sentences with a mean length of almost 4 years and a median of 3 years. The median probation sentence for every offense category other than murder and nonnegligent manslaughter was 3 years.

In the 75 largest counties felons who were sentenced to straight probation (no incarceration time) received a mean sentence of almost 3 1/2 years and a median of 3 years. The median probation sentence was 5 years for murder and nonnegligent manslaughter, rape, and robbery. The median was 3 years for all the other offenses.

Estimated time to be served in State prison

Sentences to prison typically far exceed the amount of time actually served. Two primary reasons explain the difference between sentences and time served:

- Indeterminate sentences, in those States that authorize judges to give minimum and maximum sentence lengths, depend upon parole boards to determine the amount of time to be served in prison.

- Most States authorize correctional authorities to grant inmates good time or other credits that accelerate the release dates.

For both types of sentence reduction, released offenders usually serve the remaining portions of their sentences under supervision in the community.

Based upon data collected by the Bureau of Justice Statistics in its National Corrections Reporting Program, inmates released from prisons in 33 States in 1984 (the most recent available data) had served an average (mean) of 41% of their total sentence (table 4). The average was calculated for inmates who were new court commitments and who were released for the first time on that sentence. Percents of sentences served ranged from a high of 44% for those convicted of rape or larceny/motor vehicle theft to a low of 32% for drug traffickers. Assuming that those sentenced to prison in 1986 will actually serve about the same proportions of their sentences as those released from prison in 1984, these proportions can be applied to 1986 prison sentences to estimate the time that inmates will serve in prison before release.

Felons sentenced in 1986 would be expected to serve about 33 months of the average prison sentence of 81 months. According to the same estimation technique, drug traffickers sentenced to prison in 1986 would serve about 22 months of a 69-month average sentence.

Felons sentenced to prison in 1986 by courts in the 75 largest counties would be expected to serve about 31 months of the average prison sentence of 75 months. Drug traffickers would be expected to serve about 20 months of sentences averaging about 62 months. Rapists would serve 6 years for sentences with a mean of about 14 years.

Table 4. Estimated time to be served in State prison, 1986

Most serious conviction offense	NCRP percent of sentence served in prison[a]	United States		75 largest counties	
		Mean prison sentence	Estimated time to be served in prison[b]	Mean prison sentence	Estimated time to be served in prison[b]
All	41%	81 mos.	33 mos.	75 mos.	31 mos.
Murder[c]	39	221	86	220	86
Rape	44	151	66	164	72
Robbery	41	139	57	109	45
Aggravated assault	42	97	41	80	34
Burglary	41	75	31	60	25
Larceny[d]	44	46	20	40	18
Drug trafficking[e]	32	69	22	62	20
Other felonies	42	56	24	50	21

Note: See note on table 1. For persons receiving a combination of sentences, the sentence designation came from the most serious penalty imposed—prison being the most serious, followed by jail, then probation. Means exclude sentences to death or to life in prison. Sentence length data exclude 670 weighted cases with unknown prison sentences for the Nation and 236 weighted cases for the 75 largest counties.

[a]Percent of sentence served includes credited jail time.
[b]Derived by multiplying percent of sentence actually served by the mean sentence imposed.
[c]Includes nonnegligent manslaughter.
[d]Includes motor vehicle theft.
[e]Prison means are based on cases where both total sentence and sentence for most serious offense were known.
Source: NCRP (National Corrections Reporting Program) unpublished data for prisoners released in 1984.

Sentence length for most serious offense only

Additional penalties for multiple offenses can be gauged by comparing the total sentence length, which includes some consecutive sentences, with the sentence length for only the most serious offense.

Nationwide the mean sentence length for the most serious offense only for all those convicted of felonies was 75 months (table 5). This was 6 months shorter than the mean total sentence. Two primary reasons explain the small difference of 6 months:

- Most felons are not convicted of multiple offenses.
- In most cases offenders sentenced to prison for multiple offenses receive concurrent rather than consecutive sentences.

Sentences for the most serious offense ranged from a mean of 16 1/2 years for murder and nonnegligent manslaughter to almost 3 1/2 years for felony larceny and motor vehicle theft. The differences between the mean total sentence and the mean sentence for the most serious offense ranged from 23 months for murder and nonnegligent manslaughter to less than 6 months for property felonies and drug trafficking.

In the 75 largest counties prison sentences for the most serious conviction offense averaged 69 months--6 months shorter than the average total sentence of 75 months. Sentences for the most serious offense ranged from about 16 years for murder and nonnegligent manslaughter to almost 3 1/2 years for felony larceny and motor vehicle theft.

A note on collateral consequences of a felony conviction in 1986

Convictions for a felony may result not only in a court-imposed penalty but also in the loss of rights and privileges as mandated by statute. Such losses are called the collateral consequences of a felony conviction.

A national survey of 1986 State statutes found that convictions for felonies had the following collateral consequences:[4]

[4]Velmer S. Burton, Jr., et al., "The Collateral Consequences of a Felony Conviction: A National Study of State Statutes," Federal Probation, September 1987, pp. 52-60.

Table 5. Comparison of total sentences to State prison with sentences to prison for most serious offense, 1986

Most serious conviction offense	United States: Mean sentence length to State prison: Total sentence	United States: Mean sentence length to State prison: Sentence for most serious offense only	United States: Difference between the mean sentence lengths	75 largest counties: Mean sentence length to State prison: Total sentence	75 largest counties: Mean sentence length to State prison: Sentence for most serious offense only	75 largest counties: Difference between the mean sentence lengths
All	81 mos.	75 mos.	6 mos.	75 mos.	69 mos.	6 mos.
Murder[a]	221	198	23	222	193	29
Rape	151	133	18	164	135	29
Robbery	139	119	20	109	96	13
Aggravated assault	97	87	10	80	73	7
Burglary	75	72	3	60	59	1
Larceny[b]	46	41	5	40	40	0
Drug trafficking[c]	69	68	1	62	62	0
Other felonies	56	53	3	50	47	3

Note: See note on table 1. For persons receiving a combination of sentences, the sentence designation came from the most serious penalty imposed--prison being the most serious, followed by jail, then probation. Means exclude sentences to death or to life in prison. Sentence length data exclude 670 weighted cases with unknown prison sentences for the Nation and 236 weighted cases for the 75 largest counties.

[a]Includes nonnegligent manslaughter.

[b]Includes motor vehicle theft.

[c]Prison means are based on cases where both total sentences and sentence for most serious offense were known.

Collateral consequences	Number of States
Permanent loss of right to serve on jury	31
Loss of right by any felon to own firearms for a period of time	31
Grounds for divorce	28
Permanent loss of right to hold public office	23
Potential loss of parental custodial rights	16
Permanent loss of right to vote	11
Required criminal registration with law enforcement agencies	8
Permanent denial of public employment	8
Civil death (for certain felons, permanent loss of such rights as the right to vote, to own or inherit property, to own a firearm, or to marry)	4

Methodology

Sampling

Resource constraints limited sample size to 100 counties for the 1986 survey. Every county in the Nation had a nonzero probability of being in the sample. In general, the more felony cases a county had, the more likely it was to be in the sample.

The survey used a two-stage stratified cluster sampling design. In the first stage the Nation's 3,109 counties or county equivalents were divided into 6 strata. Strata 1 and 3 consisted solely of the 75 largest counties in the United States as defined by 1985 resident population. Strata 2, 4, 5, and 6 consisted of the remaining 3,034 counties.

Because the 75 largest counties account for a disproportionately large amount of serious crime in the Nation, they were given a greater chance of being selected than the remaining counties.

Stratum 1 consisted of the 19 counties with the largest number of felony convictions in 1985, plus 13 counties whose participation in the survey had been prearranged. Every county in stratum 1 was selected for the sample.

Stratum 3 consisted of the 43 most populous counties that were not in stratum 1. The 43 were listed from largest to smallest number of felony convictions in 1985, and then approximately every other county was selected. Stratum 3 thus contributed 22 counties to the sample. Altogether 54 out of the 75 largest counties were sampled. Data on 1985 felony convictions were obtained from a mail survey described in State felony courts and felony laws (NCJ-106273) and Census of State felony courts, 1985 (codebook for ICPSR 8667).

Stratum 2 consisted of 10 counties whose participation in the survey had been prearranged. All 10 were in the sample.

The 3,024 remaining counties were placed into 3 strata defined by the total number of felony convictions in 1985 and then arrayed within stratum by region and within region from largest to smallest on felony conviction totals. Within stratum 4, approximately every 7th county was drawn, yielding 13 counties for the sample; within stratum 5, approximately every 49th was drawn, yielding 9 counties for the sample; and within stratum 6, approximately every 179th was drawn, yielding 14 counties for the sample.

The final sample thus totaled 46 counties from among the 3,034 counties outside the 75 largest.

In 99 out of the sampled 100 counties, case-level data were successfully obtained on convicted felons sentenced in 1986. The missing county, a member of stratum 2, was replaced by a county with similar characteristics.

Collectively 115 State courts in the 100 counties sentenced felons, and all 115 were represented in the sample.

The 42 sampled counties in strata 1 and 2 were self-representing only, and their sampled cases therefore had a first stage sampling weight of 1. The remaining 58 counties sampled from strata 3 through 6 were selected to represent their respective strata so that the felony conviction cases sampled had first-stage weights greater than 1.

At the second stage of sampling, a systematic sample of felons sentenced for murder/nonnegligent manslaughter, rape, robbery, aggravated assault, burglary, felony larceny/motor vehicle theft, drug trafficking, and other offenses was selected from each county's official records. The total sample numbered 51,594 cases. Of these, 39,325 cases were in the 75 largest counties.

Rates at which cases were sampled varied by stratum and crime type. In smaller counties every felony case was taken. In larger counties all murder cases and rape cases were typically included, but other offense categories were sampled.

Before the sample was drawn, each felon sentenced in 1986 was placed into one of the eight offense categories identified above. See note on table 1 for details on how felons were categorized when convicted of multiple offenses on a single day. These procedures gave each sentenced felon a single chance to be in the sample. An exception could have occurred if a felon appeared in court on more than 1 day for different offenses and received a sentence at each reappearance.

Sampling error

Estimates of sampling error are contained in a set of tables on page 9.

Appendix table. Counties in the sample or among the 75 largest in the United States

State	Counties in the sample: Not among the 75 largest	Counties in the sample: Among the 75 largest	Counties not in the sample but among the 75 largest
Alabama		Jefferson	
Arizona		Maricopa	Pima
California		Los Angeles Orange Sacramento San Bernardino San Diego San Francisco Santa Clara Ventura	Alameda Contra Costa Fresno Riverside San Mateo
Colorado	Denver		
Connecticut		Fairfield New Haven	Hartford
D.C.		Washington	
Florida	Gilchrist Polk Sarasota	Broward Dade Duval Hillsborough Palm Beach	Pinellas
Georgia	Dougherty Evans	Fulton	
Hawaii		Honolulu	
Illinois	Kane	Cook	Du Page
Indiana	Warren	Marion	
Iowa	Fremont		
Kansas	Republic Sedgwick		
Kentucky	Kenton	Jefferson	
Louisiana	Beauregard Calcasieu Jefferson Lincoln New Orleans Ouachita Red River Sabine St. Mary Tangipahoa Winn		
Maryland		Baltimore Baltimore City	Montgomery Prince George's
Massachusetts	Hampden	Norfolk Worcester	Essex Middlesex Suffolk
Michigan		Wayne	Macomb Oakland
Minnesota		Hennepin	
Missouri	St. Louis City	Jackson St. Louis	
Montana	Lake Wheatland		
Nevada	Clark		
New Jersey	Camden	Bergen Essex Middlesex	
New Mexico	Los Alamos		
New York		Erie Kings Monroe Nassau New York Suffolk	Bronx Queens Westchester
North Carolina	Columbus Mecklenburg Surry		
Ohio	Lucas Wood	Cuyahoga Franklin	Hamilton
Oklahoma	Pushmataha Pittsburg	Oklahoma	
Oregon	Multnomah		
Pennsylvania	York	Allegheny Montgomery Philadelphia	
South Carolina	Marlboro		
Tennessee	Sullivan	Shelby	
Texas	Haskell	Bexar Dallas Harris Tarrant	
Utah		Salt Lake	
Virginia	Richmond City		Fairfax
Washington	Kitsap	King	
Wisconsin	Marathon Pierce	Milwaukee	

Sources of data

State courts were the source of data for 61 counties; State prosecutors, 16 counties; and State courts and State prosecutors combined, 5 counties. Sources for the remaining 18 counties included sentencing commissions, a sheriff's office, a law enforcement commission, and a regional criminal justice information system.

For 47 counties the data were obtained from computer printouts submitted by the source; for 21 counties, magnetic tape; for 17 counties, field data collection; and for the remaining 15 counties the data were obtained from documents submitted by the source (for example, a questionnaire filled out on each felon or records of arrest and prosecution on each felon).

The U.S. Bureau of the Census collected data from 60 counties, and Mark Cunniff of the National Association of Criminal Justice Planners collected data from 40.

Targeted population

The survey targeted initial sentences imposed in 1986 on the first day the defendant received a sentence. Modified sentences imposed on subsequent days were ignored. When sentences were suspended on the day of imposition, the recorded sentence was the one executed at the end of that day.

Year of conviction was not a defining characteristic so that some cases in the sample were of persons convicted before 1986 but not sentenced until 1986.

In a few counties, where it was impractical to target sentences in 1986, the target was felons convicted in 1986. Some of the cases in these counties were sentenced after 1986.

Characteristics of the sample

The smallest county in the sample had a 1986 resident population of about 2,200 persons; the largest county had 8.3 million residents. A total of 37 States were represented in the sample. One county had only one felony conviction in 1986, and one had as many as 31,375.

Crime definitions

Before the sample was drawn, eight crime categories were defined. State penal codes, restricted to those defined as felonies and most closely conforming to each of the eight definitions, were identified. Convicted felons were placed into appropriate categories based on their penal code citations. Because of differences in State classification systems, murder and nonnegligent manslaughter were classified as a single offense as were larceny and motor vehicle theft. These are the definitions for the offense categories:

Murder: (1) intentionally causing the death of another person without extreme provocation or legal justification or (2) causing the death of another while committing or attempting to commit another crime. Murder excludes any type of manslaughter, conspiracies to commit murder, solicitation of murder, and attempted murder.

Nonnegligent (voluntary) manslaughter: intentionally and without legal justification causing the death of another when acting under extreme provocation.

Bureau of Justice Statistics Bulletins are prepared principally by BJS staff. This bulletin was written by Patrick A. Langan and was edited by Thomas Hester. Data collection and processing were done by Mark Cunniff and Robert Cushman of the National Association of Criminal Justice Planners; by the staff of the U.S. Bureau of the Census, including Betty Ford, Stephanie Brown, Martha Greene, Henrietta Herrin, Steve Poyta, Victoria Campbell, Linda Huang, and Ken Lederman under the supervision of Diana Cull of the Governments Division; and by Joseph Cavey of the Field Division (Census Bureau). Carma Hogue of the Statistical Research Division (Census Bureau) was responsible for sample design. Report production was administered by Marilyn Marbrook, publications unit chief, assisted by Yvonne Shields and Jeanne Harris.

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The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: the Bureau of Justice Statistics, National Institute of Justice, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

Rape: forcible intercourse (vaginal, anal, or oral) with a female or male. Includes forcible sodomy or penetration with a foreign object (which are sometimes called "deviate sexual assault"); excludes statutory rape or any other nonforcible sexual acts with a minor or with someone unable to give legal or factual consent. Includes attempts.

Robbery: the unlawful taking of property that is in the immediate possession of another, by force or the threat of force. Includes forcible purse snatching, but excludes nonforcible purse snatching, which is classified as larceny/theft. Includes attempts.

Aggravated assault: (1) intentionally and without legal justification causing serious bodily injury, with or without a deadly weapon, or (2) using a deadly or dangerous weapon to threaten, attempt, or cause bodily injury, regardless of the degree of injury if any. Includes "attempted murder," "aggravated battery," "felonious assault," and "assault with a deadly weapon."

Burglary: the unlawful entry of a fixed structure used for regular residence, industry, or business, with or without the use of force, to commit a felony or theft. Includes attempts.

Larceny: the unlawful taking of property other than a motor vehicle from the possession of another, by stealth, without force or deceit. Includes pocket picking, nonforcible purse snatching, shoplifting, and thefts from motor vehicles. Excludes receiving and/or reselling stolen property (fencing) and thefts through fraud or deceit. Includes attempts.

Motor vehicle theft: the unlawful taking of a self-propelled road vehicle owned by another. Includes the theft of automobiles, trucks, and motorcycles but not the theft of boats, aircraft, or farm equipment (which are classified as larceny/theft). Also includes receiving, possessing, stripping, transporting, and reselling stolen vehicles and unauthorized use of a vehicle (joyriding). Includes attempts.

Drug trafficking: includes manufacturing, distributing, selling, smuggling, or "possession with intent to sell." Includes attempts.

Other felonies: all felony offenses not listed above. Includes drug possession, forgery or fraud, weapon possession, receiving stolen property, driving while intoxicated or other traffic offenses, statutory rape, and sexual assault (not rape). Includes attempts.

Estimates of one standard error for table 1.

Most serious conviction offense	Total felony convictions in: United States	75 largest counties
All	81,587	7,356
Murder	1,349	140
Rape	3,461	399
Robbery	4,614	703
Aggravated assault	4,705	498
Burglary	13,348	1,363
Larceny	12,867	1,216
Drug trafficking	7,794	2,737
Other felonies	28,807	1,820

Estimates of one standard error for table 2.

Most serious conviction offense	United States: Percent of felons sentenced to: Incarceration: Total	Prison	Jail	Nonincarceration: Probation	Other	75 largest counties: Percent of felons sentenced to: Incarceration: Total	Prison	Jail	Nonincarceration: Probation	Other
All	1.6%	2.0%	1.5%	1.8%	.2%	.5%	.6%	.7%	.5%	.1%
Murder	1.3	1.5	.6	1.3	.1	.4	.6	.5	.4	.1
Rape	2.7	3.1	1.8	2.2	.8	.9	1.4	1.4	.8	.1
Robbery	1.5	2.2	1.3	1.4	.2	.7	.9	.8	.7	.2
Aggravated assault	3.1	2.9	3.3	3.3	.8	1.1	1.2	1.3	1.0	.5
Burglary	2.5	3.4	4.1	2.5	.3	1.1	1.2	1.1	1.1	.3
Larceny	3.8	4.8	4.2	4.2	.5	1.4	1.4	1.2	1.4	.3
Drug trafficking	3.7	2.5	2.8	3.6	.3	1.4	2.0	3.0	1.4	.3
Other felonies	3.8	5.0	3.1	4.4	.4	1.2	1.1	1.3	1.2	.3

Estimates of one standard error for table 3.

Most serious conviction offense	United States: Maximum sentence length for felons sentenced to: Incarceration: Total	Prison	Jail	Probation	75 largest counties: Maximum sentence length for felons sentenced to: Incarceration: Total	Prison	Jail	Probation
Mean sentence								
All	2.5 mos.	2.8 mos.	.5 mos.	3.9 mos.	.9 mos.	1.3 mos.	.3 mos.	.7 mos.
Murder	13.8	14.2	2.8	26.2	6.6	6.5	2.4	1.4
Rape	11.7	12.5	1.6	5.7	7.5	9.0	.5	2.0
Robbery	11.8	12.5	.7	6.8	2.8	3.1	.4	1.4
Aggravated assault	6.0	7.0	2.1	15.0	2.4	3.0	1.2	.8
Burglary	8.0	8.2	2.0	12.2	1.5	1.9	.6	1.7
Larceny	4.0	3.7	.8	8.4	1.2	1.8	.4	1.4
Drug trafficking	4.3	6.4	.9	13.3	2.9	4.0	.5	2.1
Other felonies	4.1	3.3	.8	5.5	1.7	3.5	.5	1.1

Estimates of one standard error for table 5.

Most serious conviction offense	Mean sentence length to State prison: United States: Total sentence	United States: Sentence for most serious offense only	75 largest counties: Total sentence	75 largest counties: Sentence for most serious offense only
All	2.8 mos.	2.3 mos.	1.3 mos.	1.1 mos.
Murder	14.2	14.7	6.5	6.4
Rape	12.5	9.7	9.0	5.0
Robbery	12.5	7.5	3.1	2.6
Aggravated assault	7.0	6.8	3.0	2.6
Burglary	8.2	7.9	1.9	2.0
Larceny	3.7	3.3	1.8	1.8
Drug trafficking	6.4	6.5	4.0	4.4
Other felonies	3.3	2.8	3.5	2.4

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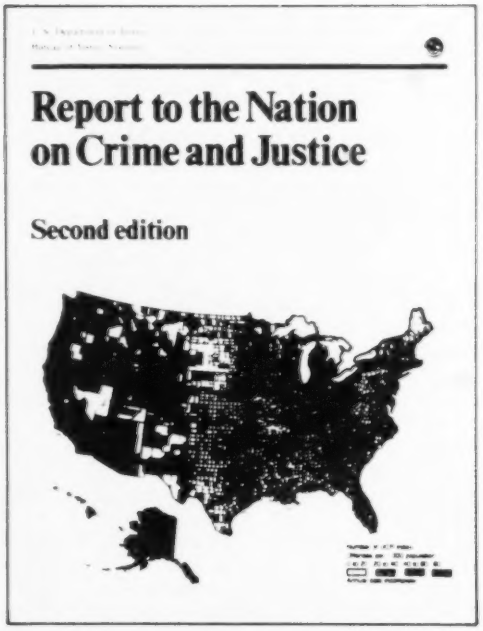

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☐ **Juvenile corrections reports**--juveniles in custody in public and private detention and correctional facilities

☐ **Drugs and crime data**--sentencing and time served by drug offenders, drug use at time of crime by jail inmates and State prisoners, and other quality data on drugs, crime, and law enforcement } New!

☐ **BJS bulletins and special reports**--timely reports of the most current justice data

☐ **Prosecution and adjudication in State courts**--case processing from prosecution through court disposition, State felony laws, felony sentencing, criminal defense

☐ **Corrections reports**--results of sample surveys and censuses of jails, prisons, parole, probation, and other corrections data

☐ **National Crime Survey reports**--the only regular national survey of crime victims

☐ **Sourcebook of Criminal Justice Statistics** (annual)--broad-based data from 150+ sources (400+ tables, 100+ figures, index)

☐ Send me a form to sign up for **NIJ Reports** (issued free 6 times a year), which abstracts both private and government criminal justice publications and lists conferences and training sessions in the field.

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